

REMARKS:

**Status of claims and amendments**

Claims 1-5 are pending in the application. In the Office Action dated June 5, 2007, the Examiner:

1. rejected claims 1, 2, 4, and 5 under 35 U.S.C. 102(e) as being anticipated by Breed et al; and
2. rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Breed et al. in view of Ogino et al.

These rejections are respectfully traversed.

**Breed et al: independent claims 1 and 4**

The Examiner referred to Breed as allegedly disclosing selecting the standard sound range that corresponds to the number and positions of passengers, finding the speaker angles and sound pressure output levels corresponding to the standard sound range, and adjusting each speaker so that each speaker satisfies the speaker angles and sound pressure output levels. However, Applicant respectfully asserts that the inventive standard sound ranges, and the claimed steps associated with them, are not disclosed or suggested by Breed.

In exemplary embodiments of the present invention, referring to FIGs. 3a-3d of the instant application, and the description thereof in the specification at paragraphs 14-18, one of the exemplary standard sound ranges S1-S11 is selected for each of eleven different seating arrangements. The speaker angles are adjusted in eleven different ways to correspond to the selected standard sound range.

However, the passage in Breed referred to by the Examiner as allegedly disclosing “selecting the standard sound range that corresponds to the number and positions of passengers in the vehicle” (column 20, line 63 through column 21, line 3) is directed to not operating speakers positioned near unoccupied seats. Applicant respectfully asserts that this cannot be construed as selecting a standard sound range as claimed. The limitation of “selecting the standard sound range that corresponds to the number and positions of passengers in the vehicle” is thus not disclosed or suggested by Breed.

The first passage in Breed referred to by the Examiner as allegedly disclosing “finding the speaker angles and sound pressure output levels from the memory table corresponding to the standard sound range from the selecting step” (column 7, lines 4-7) is directed to determining the position of a seat, so the seat can be re-positioned. The second passage in Breed referred to by the Examiner as allegedly disclosing “finding the speaker angles and sound pressure output levels from the memory table corresponding to the standard sound range from the selecting step” (column 20, lines 40-49) is directed to adjusting speakers to direct sound at a particular occupant. Even to the extent that this passage discloses “finding the speaker angle,” it does not find the speaker angle corresponding to the standard sound range, let alone the standard sound range from the selecting step. Assuming *arguendo* that the standard sound range is selected in the step of not operating speakers positioned near unoccupied seats, as relied on by the Examiner, the speaker angle is not found based on this “sound range,” and as such, the limitation of “finding the speaker angles...corresponding to the standard sound range from the selecting step” is not disclosed or suggested by Breed.

The passage in Breed referred to by the Examiner as allegedly disclosing “adjusting each speaker so that each speaker satisfies the speaker angles and sound pressure output levels from the finding step,” (column 20, lines 40-49), was discussed above. This limitation is not disclosed or suggested by Breed.

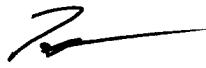
Applicant respectfully asserts that independent claims 1 and 4 are thus patentable over the cited references. Each of the remaining claims, 2-3 and 5, depends from either claim 1 or claim 4. All pending claims are thus patentable over Breed and Ogino. Withdrawal of the §102 and §103 rejections is respectfully requested.

## **Conclusions**

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance is respectfully requested.

Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter, or credit any overpayment, to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060945-0177).

Respectfully submitted,



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